

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE ENROLLED ACT No. 566

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AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 4-6-2-1.5, AS AMENDED BY P.L.121-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1.5. (a) Whenever any state governmental official or employee, whether elected or appointed, is made a party to a suit, and the attorney general determines that said suit has arisen out of an act which such official or employee in good faith believed to be within the scope of the official's or employee's duties as prescribed by statute or duly adopted regulation, the attorney general shall defend such person throughout such action.

(b) Whenever a teacher (as defined in IC 20-18-2-22) is made a party to a civil suit, and the attorney general determines that the suit has arisen out of an act that the teacher in good faith believed was within the scope of the teacher's duties in enforcing discipline policies developed under IC 20-33-8-12, the attorney general shall defend the teacher throughout the action.

(c) Not later than August 15 of each year:

(1) the attorney general shall draft; and

(2) the state superintendent of public instruction shall disseminate in:

(A) written;

(B) electronic; or



~~(c)~~ other;  
 form;  
 a notice to each teacher concerning the teacher's qualified immunity under IC 20-33-8-8(b)(3) and rights under this section:

**(c) Not later than July 30 of each year, the attorney general, in consultation with the Indiana education employment relations board established in IC 20-29-3-1, shall draft and disseminate a letter by first class mail to the residence of teachers providing a summary of the teacher's rights and protections under state and federal law, including a teacher's rights and protections relating to the teacher's performance evaluation under IC 20-28-11.5.**

**(d) The department of education, in consultation with the Indiana education employment relations board, shall develop a method to provide the attorney general with the names and addresses of active teachers in Indiana in order for the attorney general to disseminate the letter described in subsection (c). Names and addresses collected and provided to the attorney general under this subsection are confidential and excepted from public disclosure as provided in IC 5-14-3-4.**

~~(d)~~ **(e)** Whenever a school corporation (as defined in IC 20-26-2-4) is made a party to a civil suit and the attorney general determines that the suit has arisen out of an act authorized under IC 20-30-5-0.5 or IC 20-30-5-4.5, the attorney general shall defend the school corporation throughout the action.

~~(e)~~ **(f)** A determination by the attorney general under subsection (a), (b), or (d) shall not be admitted as evidence in the trial of any such civil action for damages.

~~(f)~~ **(g)** Nothing in this chapter shall be construed to deprive any such person of the person's right to select counsel of the person's own choice at the person's own expense.

SECTION 2. IC 20-19-2-14.5, AS AMENDED BY P.L.31-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.5. (a) As used in this section:

(1) "college and career readiness educational standards" means ~~the~~ **the Indiana** standards that a high school graduate must meet to obtain the requisite knowledge and skill to transition without remediation to postsecondary education or training, and ultimately into a sustainable career; and

(2) "cut scores" means the scores that define a student's performance on an assessment, including passing, failing, or falling into a performance category.

~~(b) Before July 1, 2014,~~ The state board shall adopt Indiana college



and career readiness educational standards. ~~voiding the previously adopted set of educational standards.~~ The educational standards must do the following:

- (1) Meet national and international benchmarks for college and career readiness standards and be aligned with postsecondary educational expectations.
- (2) Use the highest standards in the United States.
- (3) Comply with federal standards to receive a flexibility waiver under 20 U.S.C. 7861, as in effect on January 1, 2014.
- (4) Prepare Indiana students for college and career success, including the proper preparation for nationally recognized college entrance examinations such as the ACT and SAT.
- (5) Maintain Indiana sovereignty.
- (6) Provide strict safeguards to protect the confidentiality of student data.

~~(c) The department shall administer ISTEP assessments under IC 20-32-5 during the 2013-2015 biennium. During the 2015-2016 school year, subject to subsection (c), the state board shall authorize the department to administer either the ISTEP assessment under IC 20-32-5 or a comparable assessment program that is aligned with the educational standards adopted by the state board under subsection (b).~~

~~(d) Before the state board may authorize an assessment program under subsection (c), the state board shall submit the proposed assessment program to the budget committee for review.~~

~~(e) (c) This subsection does not apply to an agreement with the United States Department of Education concerning a waiver from federal requirements. After June 30, 2013, The state, or the state board on behalf of the state, may not enter into or renew an agreement with any organization, entity, group, or consortium that requires the state to cede any measure of autonomy or control of education standards and assessments, including cut scores. **The state board may not adopt Common Core (Common Core State Standards Initiative) or an assessment or test, except as provided in this subsection, that is produced solely by the United States government or a consortium of states. However, the state board is not prohibited from incorporating as part of Indiana's statewide assessments any assessment, part of an assessment, or series of questions if the assessment, part of an assessment, or series of questions is aligned to Indiana's academic standards.**~~

~~(f) (d) The state board may adopt emergency rules in the manner provided in IC 4-22-2-37.1 to implement this section. As provided in~~



IC 4-22-2-37.1 for an emergency rule adopted under this section to be effective after one (1) extension period, the rule must be adopted in conformity with the procedures under IC 4-22-2-24 through IC 4-22-2-36.

SECTION 3. IC 20-28-5-17 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:** **Sec. 17. (a) The department shall establish a program under which an individual may obtain a license that allows the individual to teach in school corporations and charter schools in Indiana if the individual holds a bachelor's degree or a graduate degree with a grade point average of at least 2.5 on a 4.0 point scale from an accredited postsecondary educational institution with both of the following:**

**(1) A major in any combination of the following:**

**(A) Science.**

**(B) Technology.**

**(C) Engineering.**

**(D) Mathematics.**

**(2) An education minor or concentration from an accredited teacher preparation program recognized by the state board of education as preparing educators to meet requirements for licensure.**

**(b) The program established under subsection (a) must allow the individual to teach in a school corporation or charter school while the individual is in the process of obtaining the license.**

**(c) The initial program under subsection (a) must be established not later than August 1, 2015.**

SECTION 4. IC 20-28-7.5-1, AS AMENDED BY SEA 500-2015, SECTION 208, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 1. (a) This chapter applies to a teacher in a school corporation (as defined in IC 20-18-2-16(a)).**

**(b) A contract with a teacher may be canceled immediately in the manner set forth in sections 2 through 4 of this chapter for any of the following reasons:**

**(1) Immorality.**

**(2) Insubordination, which means a willful refusal to obey the state school laws or reasonable rules adopted for the governance of the school building or the school corporation.**

**(3) Incompetence, including:**

**(A) for probationary teachers, receiving an ineffective designation on a performance evaluation or receiving two (2) consecutive improvement necessary ratings on a performance**



evaluation under IC 20-28-11.5; or

(B) for any teacher, receiving an ineffective designation on two (2) consecutive performance evaluations or an ineffective designation or improvement necessary rating under IC 20-28-11.5 for three (3) years of any five (5) year period.

(4) Neglect of duty.

(5) A conviction of an offense listed in IC 20-28-5-8(c).

(6) Other good or just cause.

(c) In addition to the reasons set forth in subsection (b), a probationary teacher's contract may be canceled for any reason relevant to the school corporation's interest in the manner set forth in sections 2 through 4 of this chapter.

(d) After June 30, 2012, The cancellation of teacher's contracts due to a justifiable decrease in the number of teaching positions shall be determined on the basis of performance rather than seniority. In cases where teachers are placed in the same performance category, any of the items in IC 20-28-9-1.5(b) may be considered.

**(e) Only the governing body may terminate, cancel, or otherwise refuse to renew a contract of a superintendent or assistant superintendent. Notice of the contract cancellation or the refusal to renew the individual's contract must be provided in the manner provided in IC 20-28-8-3(a).**

SECTION 5. IC 20-28-8-3, AS AMENDED BY P.L.253-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Before March 1 of the year during which the contract of an assistant superintendent, a principal, or an assistant principal is due to expire, the governing body of the school corporation, or an **employee attorney acting** at the direction of the governing body, shall give written notice of renewal or refusal to renew the individual's contract for the ensuing school year.

(b) If notice is not given before March 1 of the year during which the contract is due to expire, the contract then in force shall be reinstated only for the ensuing school year.

(c) This section does not prevent the modification or termination of a contract by mutual agreement of the assistant superintendent, the principal, or the assistant principal and the governing body.

SECTION 6. IC 20-28-11.5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. As used in this chapter, "certificated employee" includes the following:**

**(1) A certificated employee (as defined in IC 20-29-2-4).**

**(2) For purposes of annual performance evaluations**



**conducted for a school year beginning after June 30, 2014, a teacher (as defined in IC 20-18-2-22), regardless of whether the individual is a certificated employee (as defined in IC 20-29-2-4).**

SECTION 7. IC 20-28-11.5-4, AS ADDED BY P.L.90-2011, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Each school corporation shall develop a plan for annual performance evaluations for each certificated employee. ~~(as defined in IC 20-29-2-4)~~. A school corporation shall implement the plan beginning with the 2012-2013 school year.

(b) Instead of developing its own staff performance evaluation plan under subsection (a), a school corporation may adopt a staff performance evaluation plan that meets the requirements set forth in this chapter or any of the following models:

- (1) A plan using master teachers or contracting with an outside vendor to provide master teachers.
- (2) The System for Teacher and Student Advancement (TAP).
- (3) The Peer Assistance and Review Teacher Evaluation System (PAR).

(c) A plan must include the following components:

- (1) Performance evaluations for all certificated employees, conducted at least annually.
- (2) Objective measures of student achievement and growth to significantly inform the evaluation. The objective measures must include:
  - (A) student assessment results from statewide assessments for certificated employees whose responsibilities include instruction in subjects measured in statewide assessments;
  - (B) methods for assessing student growth for certificated employees who do not teach in areas measured by statewide assessments; and
  - (C) student assessment results from locally developed assessments and other test measures for certificated employees whose responsibilities may or may not include instruction in subjects and areas measured by statewide assessments.
- (3) Rigorous measures of effectiveness, including observations and other performance indicators.
- (4) An annual designation of each certificated employee in one
  - (1) of the following rating categories:
    - (A) Highly effective.
    - (B) Effective.
    - (C) Improvement necessary.



(D) Ineffective.

(5) An explanation of the evaluator's recommendations for improvement, and the time in which improvement is expected.

(6) A provision that a teacher who negatively affects student achievement and growth cannot receive a rating of highly effective or effective.

**(7) For annual performance evaluations for school years beginning after June 30, 2015, provide for a pre-evaluation planning session conducted by the superintendent or equivalent authority for the school corporation with the principals in the school corporation.**

**(d) In developing a performance evaluation model, a school corporation may consider the following:**

**(1) Test scores of students (both formative and summative).**

**(2) Classroom presentation observations.**

**(3) Observation of student-teacher interaction.**

**(4) Knowledge of subject matter.**

**(5) Dedication and effectiveness of the teacher through time and effort on task.**

**(6) Contributions of teachers through group teacher interactivity in fulfilling the school improvement plan.**

**(7) Cooperation of the teacher with supervisors and peers.**

**(8) Extracurricular contributions of the teacher.**

**(9) Outside performance evaluations.**

**(10) Compliance with school corporation rules and procedures.**

**(11) Other items considered important by the school corporation in developing each student to the student's maximum intellectual potential and performance.**

The state board and the department may recommend additional factors, but may not require additional factors unless directed to do so by the general assembly.

**(e) This subsection applies to plans applicable to annual performance evaluations for school years beginning after June 30, 2015. The plan must:**

**(1) be in writing; and**

**(2) be explained to the governing body in a public meeting; before the evaluations are conducted. Before explaining the plan to the governing body, the superintendent of the school corporation shall discuss the plan with teachers or the teachers' representative, if there is one. This discussion is not subject to the open door law (IC 5-14-1.5). The plan is not subject to bargaining, but a**



**discussion of the plan must be held.**

~~(d)~~ (f) The evaluator shall discuss the evaluation with the certificated employee.

SECTION 8. IC 20-28-11.5-9, AS AMENDED BY P.L.192-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) **The principal of a school in a school corporation shall report in the aggregate the results of staff performance evaluations for the school for the previous school year to the superintendent and the governing body for the school corporation before August 15 of each year on the schedule determined by the governing body. The report must be presented in a public meeting of the governing body. Before presentation to the governing body, the superintendent of the school corporation shall discuss the report of completed evaluations with the teachers. This discussion is not subject to the open door law (IC 5-14-1.5). The report of completed evaluations is not subject to bargaining, but a discussion of the report must be held.**

**(b) A school corporation annually shall provide the disaggregated results of staff performance evaluations by teacher identification numbers to the department:**

- (1) after completing the presentations required under subsection (a) for all schools for the school corporation; and**
- (2) before November 15 of that year.**

Before November 15 of each year, each charter school (including a virtual charter school) ~~and school corporation~~ shall provide the disaggregated results of staff performance evaluations by teacher identification numbers to the department.

~~(b)~~ (c) Before August 1 of each year, each charter school and school corporation shall provide to the department:

- (1) the name of the teacher preparation program that recommended the initial license for each teacher employed by the school; and
- (2) the annual retention rate for teachers employed by the school.

~~(c)~~ (d) Not before the beginning of the second semester (or the equivalent) of the school year and not later than August 1 of each year, the principal at each school described in subsection ~~(a)~~ (b) shall complete a survey that provides information regarding the principal's assessment of the quality of instruction by each particular teacher preparation program located in Indiana for teachers employed at the school who initially received their teaching license in Indiana in the previous two (2) years. The survey shall be adopted by the state board and prescribed on a form developed not later than July 30, 2016, by the





department that is aligned with the matrix system established under IC 20-28-3-1(i). The school shall provide the surveys to the department along with the information provided in subsection ~~(b)~~: **(c)**. The department shall compile the information contained in the surveys, broken down by each teacher preparation program located in Indiana. The department shall include information relevant to a particular teacher preparation program located in Indiana in the department's report under subsection ~~(f)~~: **(g)**.

~~(d)~~ **(e)** During the second semester (or the equivalent) of the school year and not later than August 1 of each year, each teacher employed by a school described in subsection ~~(a)~~ **(b)** in Indiana who initially received a teacher's license in Indiana in the previous three (3) years shall complete a form after the teacher completes the teacher's initial year teaching at a particular school. The information reported on the form must:

- (1) provide the year in which the teacher was hired by the school;
- (2) include the name of the teacher preparation program that recommended the teacher for an initial license;
- (3) describe subjects taught by the teacher;
- (4) provide the location of different teaching positions held by the teacher since the teacher initially obtained an Indiana teaching license;
- (5) provide a description of any mentoring the teacher has received while teaching in the teacher's current teaching position;
- (6) describe the teacher's current licensure status; and
- (7) include an assessment by the teacher of the quality of instruction of the teacher preparation program in which the teacher participated.

The form shall be prescribed by the department. The forms shall be submitted to the department with the information provided in subsection ~~(b)~~: **(c)**. Upon receipt of the information provided in this subsection, the department shall compile the information contained in the forms and include an aggregated summary of the report on the department's Internet web site.

~~(e)~~ **(f)** Before December 15 of each year, the department shall report the results of staff performance evaluations in the aggregate to the state board, and to the public via the department's Internet web site for:

- (1) the aggregate of certificated employees of each school and school corporation;
- (2) the aggregate of graduates of each teacher preparation program in Indiana;
- (3) for each school described in subsection ~~(a)~~: **(b)**, the annual



rate of retention for certificated employees for each school within the charter school or school corporation; and

(4) the aggregate results of staff performance evaluations for each category described in section 4(c)(4) of this chapter. In addition to the aggregate results, the results must be broken down:

(A) by the content area of the initial teacher license received by teachers upon completion of a particular teacher preparation program; or

(B) as otherwise requested by a teacher preparation program, as approved by the state board.

~~(f)~~ (g) Beginning November 1, 2016, and before September 1 of each year thereafter, the department shall report to each teacher preparation program in Indiana for teachers with three (3) or fewer years of teaching experience:

(1) information from the surveys relevant to that particular teacher education program provided to the department under subsection ~~(e)~~; (d);

(2) information from the forms relevant to that particular teacher preparation program compiled by the department under subsection ~~(d)~~; (e); and

(3) the results from the most recent school year for which data are available of staff performance evaluations for each category described in section 4(c)(4) of this chapter with three (3) or fewer years of teaching experience for that particular teacher preparation program. The report to the teacher preparation program under this subdivision shall be in the aggregate form and shall be broken down by the teacher preparation program that recommended an initial teaching license for the teacher.

SECTION 9. IC 20-29-6-16, AS AMENDED BY P.L.229-2011, SECTION 182, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. (a) If an agreement has not been reached on the items to be bargained collectively by November 1, as provided in IC 6-1.1-17-5, the parties shall continue the terms of the current contract that is in effect, and the school employer may issue tentative individual contracts and prepare its budget on that basis. During this period, in order to allow the successful resolution of the dispute, the school employer may not unilaterally change the terms or conditions of employment that are issues in dispute.

(b) Upon the expiration of the current contract that is in effect, **except for performance stipends and additions to base salary provided under IC 20-43-10-3**, the school employer shall continue under the terms of the current contract that is in effect, with no increase



or increment in salary, wages, or benefits for any bargaining unit employee until a new contract is executed, unless continuation would put the school employer in a position of deficit financing due to a reduction in the employer's actual general fund revenue or an increase in an employer's expenditures when the expenditures exceed the current year actual general fund revenue.

(c) The only parts of the contract that must continue under this section are the items contained in the contract and listed in section 4 of this chapter.

(d) This section may not be construed as relieving the school employer or the school employee organization from the duty to bargain collectively until a mutual agreement has been reached and a contract entered as called for in this chapter.

SECTION 10. IC 20-29-6-18, AS AMENDED BY P.L.6-2012, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) Either party may appeal the decision of the factfinder under IC 20-29-6-15.1. The appeal must be filed not later than thirty (30) days after receiving the factfinder's decision.

(b) The board's decision must be restricted to only those items permitted to be bargained and included in the collective bargaining agreement under section 4 of this chapter and must not put the employer in a position of deficit financing, as defined in IC 20-29-2-6 **or prohibit the employer from making any reductions described in section 3(b) of this chapter.** The board's decision may not impose terms beyond those proposed by the parties in their last, best offers.

(c) The board must rule on the appeal within thirty (30) days after receipt of notice of appeal.

SECTION 11. IC 20-31-3-1, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a)** The state board shall adopt clear, concise, and jargon free state academic standards that are comparable to national and international academic standards **and the college and career readiness educational standards adopted under IC 20-19-2-14.5.** These academic standards must be adopted for each grade level from kindergarten through grade 12 for the following subjects:

- (1) English/language arts.
- (2) Mathematics.
- (3) Social studies.
- (4) Science.

**(b)** For grade levels tested under the ISTEP program, the academic



standards must be based in part on the results of the ISTEP program.

SECTION 12. IC 20-31-8-3, AS AMENDED BY P.L.286-2013, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. **(a)** The state board shall establish a number of categories, using an "A" through "F" grading scale, to designate performance based on the individual student academic performance and growth to proficiency in each school.

**(b) The state board, in consultation with the department, shall define "low population schools" and shall determine the criteria for placing low population schools in categories established under subsection (a). In setting the definition and criteria for low population schools, the state board shall not penalize schools based on population. An eligible school (as defined in IC 20-51-1-4.7) may not be penalized under IC 20-51-4-9 for the sole reason that the eligible school is considered a low population school under this subsection. The state board's definition and criteria may include the placement of a school that fits the state board's definition in a "null" or "no letter grade" category.**

**(c) In developing metrics for the categories established under subsection (a), the state board, in consultation with the department, to the extent not inconsistent with federal law, shall consider the severity of tested students' disabilities when using ISTEP scores as a means of assessing school performance.**

SECTION 13. IC 20-51-4-7, AS AMENDED BY P.L.211-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) The department shall administer this chapter.

(b) The department shall approve an application for an eligible school within fifteen (15) days after the date the school requests to participate in the choice scholarship program.

(c) The department shall approve an application for a choice scholarship student within fifteen (15) days after the date the student requests to participate in the choice scholarship program.

(d) Each year, at a minimum, the department shall accept applications from March 1 through September 1 for:

- (1) choice scholarship students; or
- (2) eligible schools;

for the upcoming school year.

**(e) This chapter may not be construed in a manner that would impose additional requirements for approving an application for an eligible school placed in a "null" or "no letter grade" category established under IC 20-31-8-3(b).**



~~(e)~~ (f) The department shall adopt rules under IC 4-22-2 to implement this chapter.

~~(f)~~ (g) The department may adopt emergency rules under IC 4-22-2-37.1 to implement this chapter.

**SECTION 14. [EFFECTIVE JULY 1, 2015] (a) The definitions used in IC 20 apply throughout this SECTION.**

**(b) The general assembly urges the legislative council to assign to an appropriate study committee the task of studying whether the ISTEP program should be replaced with an alternative statewide assessment.**

**(c) The study committee shall issue to the legislative council a final report containing the study committee's findings and recommendations, including any recommended legislation concerning the topic, in an electronic format under IC 5-14-6 not later than November 1, 2015.**

**(d) The legislative council is urged to appoint members to the study committee from the members of the Senate Committee on Appropriations, the Senate Committee on Education and Career Development, the House Committee on Ways and Means, and the House Committee on Education.**

**(e) This SECTION expires January 1, 2016.**

**SECTION 15. An emergency is declared for this act.**



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

